

### **REMARKS**

Claims 14-19 and 34-37 are pending in the application. Claims 14, 19 and 34 have been amended. Claims 1-13 and 21-23 were previously cancelled. Claims 20 and 38-42 remain withdrawn. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Applicant would like to thank the Examiner for the courtesy extending during the telephonic interview held on September 5, 2006. While no agreement was reached, discussion pertaining to the scope of the claims as contrasted to the specification was conducted. As a result, Applicant now has a better understanding that the claims should reference both bonded and unbonded areas occurring along the raised portions of the non-woven fabric.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 19 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention.

Accordingly, Applicant has adopted the Examiner's suggested revision to claim 19 in order to address this rejection. As such, the rejection under 35 USC §112, second paragraph should now be moot.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 14-15 and 34-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Todt (WO 96/11804). This rejection is respectfully traversed.

As the Examiner is well aware, a rejection under 35 U.S.C. §102(b) can only be maintained if a single reference teaches each and every element of the claims. If there are any differences whatsoever between the reference and the claim(s), the rejection cannot be based on 35 U.S.C. §102. Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).

Contrary to the Examiner's assertion in the Office Action mailed June 5, 2006, Applicant notes, however, that Todt (WO 96/11804) does not disclose applying adhesive to at least one of said film or nonwoven fabric in a predetermined pattern, but merely discloses applying adhesive to the raised portions. Since the raised portions are randomly oriented, Todt '804 cannot be fairly interpreted as disclosing the application in a pattern to the raised portions. Reconsideration is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 16-19 and 36-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Todt (WO 96/11804) as applied to claims 14 and 34 above and further in view of the collected teachings of Ankuda et al (U.S. Pat. No. 6,638,605) and Woods et al (US RE36,601). This rejection is respectfully traversed.

Applicant notes that in order to support a rejection under 35 U.S.C. §103, the Examiner must establish that there is some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability, and, thus, the obviousness, of making the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434,

1438 (Fed. Cir.), *cert. denied*, 488 U.S. 825 (1988). That is, although the Examiner may suggest that the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the *desirability* of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir. 1989).

Contrary to the Examiner's assertion in the Office Action mailed June 5, 2006, Applicant notes however that Todt (WO 96/11804) does not disclose applying adhesive to at least one of said film or nonwoven fabric in a predetermined pattern, but merely discloses applying adhesive to the raised portions. Again, since the raised portions are randomly oriented, Todt '804 cannot be fairly interpreted as disclosing the application in a pattern to the raised portions.

Additionally, Applicant notes that neither Ankuda, (US Patent No. 6,638,605) or Woods (Re36,601) would be considered as appropriately combined with the teaching of Todt '804 since Ankuda and Woods are concerned with disposable surgical drapes and gowns which employ non-heat shrinkable films and laminated pads. As such, the application of heat which tends to break the bonds occurring between the shrinkable film and nonwoven fabrics of the present invention are not contemplated and there is not teaching or suggestion that applying adhesives as taught in either Ankuda or Woods would work for anything other than non-shrinkable films. Importantly, Ankuda and Woods are also not concerned with materials for protecting surfaces (from scratching, marring, etc.). Reconsideration of the rejection is thus, respectfully requested.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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